

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-006509

03/03/2009

HONORABLE JOSEPH B. HEILMAN

CLERK OF THE COURT
L. Muhammad
Deputy

ARIZONA ASSOCIATION OF PROVIDERS
FOR PERSONS WITH DISABILITIES, et al.

JOHN R DACEY
JAMES A CRAFT

v.

STATE OF ARIZONA, et al.

JULIET PETERS

FRED M ZEDER

MINUTE ENTRY

10:04 a.m. Order to Show Cause and Evidentiary Hearing Re Temporary Restraining Order and Preliminary Injunction continue from March 2, 2009.

Plaintiffs are represented by counsel John R. Dacey and James Craft. Defendants are represented by Assistant Attorneys General Juliet Peters and Fred M. Zeder. Also present is DES Assistant Director Barbara A. Brent.

Court Reporter: Lisa Bradley.

Plaintiffs' Case continues:

Dominic Barreras and Richard Hargrove are sworn.

Dominic Barreras takes the stand with the assistance of Richard Hargrove of ABRiO Family Services & Supports.

Richard Hargrove testifies.

Dominic Barreras testifies.

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Thomas G. Schramski is sworn and testifies.

11:06 a.m. Court stands at recess.

11:15 a.m. Court reconvenes with respective counsel and parties present.

Court Reporter: Lisa Bradley.

Thomas G. Schramski resumes the stand and testifies further.

Beverly Hermon is sworn and testifies.

Plaintiffs' exhibit 9 is marked for identification and received in evidence without objection.

Witness Beverly Hermon is excused.

12:09 p.m. Court stands at recess.

1:33 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter: Lisa Bradley.

Matthew J. Devlin is sworn and testifies.

Defendants' exhibit 7 is received in evidence without objection; counsel will provide an 8.5 x 11 copy of the oversized chart for the Court's ETS permanent record.

Defendants' Case:

Barbara A. Brent is sworn and testifies.

2:57 p.m. Court stands at recess.

3:16 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter: Lisa Bradley.

Bench conference off the record.

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3:24 p.m. Court makes a record of the bench conference.

Barbara A. Bent resumes the stand and testifies further.

Stephen Pawlowski is sworn and testifies.

Defendants' exhibit 8 is received in evidence without objection.

Al Nieto is sworn and testifies.

Defendants rest.

Rebuttal:

Toni McLeod and Michelle Reeves are sworn and testify.

Defendants' exhibits 5 and 6 are received in evidence without objection; counsel will provide 8.5 x 11 copies of the oversized charts for the Court's ETS permanent record.

Both sides rest.

IT IS ORDERED taking this matter **UNDER ADVISEMENT**, pending counsel's submission of written Closing Arguments and Findings of Fact and Conclusions of Law not later than **5:00 p.m. on March 4, 2009**, inclusive of Defendants' request for bond and Plaintiffs' request for waiver of bond.

4:35 p.m. Hearing concludes.

EXHIBITS RELEASED

IT IS ORDERED that the clerk permanently release the following exhibits used in this proceeding to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

Counsel having replaced the oversized chart exhibits 5, 6, and 7 with 8.5 x 11 inch copies, Defendants' oversized charts exhibits 5, 6, and 7 are permanently released to counsel having marked the same for identification, and the smaller size exhibits are marked in evidence for the Court's ETS permanent record.

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Let the record reflect that Attorney Peters takes immediate possession of the above listed exhibits.

ISSUED: Exhibit Release Form.

FILED:

ETS Exhibit Worksheet.

Hearing Worksheet

**HONORABLE JOSEPH B. HEILMAN
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 WEST JEFFERSON
8th FLOOR, COURTROOM 814
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